

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN MILLER,

:

Plaintiff,

: Case No. 1:24-cv-608

vs.

: Judge Jeffery P. Hopkins

GEORGE HUDSON,

:

Defendant.

:

:

:

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the initial Report and Recommendation (Doc. 4) and subsequent Report and Recommendation (Doc. 7) issued by Magistrate Judge Karen L. Litkovitz on November 1, 2024 and December 6, 2024, respectively. The Magistrate Judge recommends that Plaintiff's Complaint (Doc. 3) and Amended Complaint (Doc. 5) be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

Having carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and finding no clear error, the Court hereby **ADOPTS** the entirety of both Reports and Recommendations. *See* Fed. R. Civ. P. 72 (advisory committee notes from 1983 amendment) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”); *see e.g.*, *Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022). Accordingly, Plaintiff's Complaint (Doc. 3) and Amended Complaint (Doc. 5) are hereby **DISMISSED** with prejudice. For the reasons stated in the initial and subsequent

Reports and Recommendations and pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would lack an arguable basis in law or in fact and thus would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: February 13, 2025


Hon. Jeffrey P. Hopkins
United States District Judge